



PRESTON CITY COUNCIL

LANDLORDS' INFORMATION PACK

THE LAW RELATING TO REPAIR AND OTHER STANDARDS IN RENTED PROPERTY

1. Introduction.

- 1.1 The Law relating to these matters can be complex and the information below is only a brief summary.
- 1.2 This leaflet gives a description of problems which may arise and of the powers available to the Council where landlords do not properly maintain properties. The costs involved in failing to comply can be far greater than those which would have been incurred by attending to the repair works in the first place.
- 1.3 Failure to comply may result in:
 - ◆ Reduced property value and increased long term repair/improvement costs.
 - ◆ Tenant dissatisfaction which can also lead to higher tenancy turnover, civil action by tenants for damages and/or enforcement action by the Council.
- 1.4 To reduce the likelihood of the above problems the landlords need to:
 - ◆ Know what the appropriate physical standards for the property are. This can vary depending on the letting type. Details of the standards which apply to a single dwelling or a house in multiple occupation are available on request as part of this information pack.
 - ◆ Have proper arrangements in place with their tenants about reporting defects, including emergencies and access arrangements.
 - ◆ Have a property maintenance programme in place, which must include for gas safety checks and fire alarm, emergency lighting and fire fighting equipment checks (if appropriate). Further information is available on request as part of this information pack.
 - ◆ Be aware of their responsibilities under the Landlord and Tenant Act 1985 and other relevant legislation and the consequences of failing to meet them. A brief summary is included below.

2. All Rented Properties.

- 2.1 The Council can, and in some cases, is obliged to take action under the above legislation. The Housing Act 2004 is most commonly used.
- 2.2 If a property contains a category 1 Hazard as described within the Housing Health and Safety Rating System (HHSRS), part of the Housing Act 2004, the Council has a statutory duty to act, to ensure that any hazards present are appropriately dealt

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with. This usually involves serving an improvement notice, although a range of formal actions, including the possibility of Emergency Remedial Action or a Prohibition Order, are available, depending on the most appropriate course of action.

Should a rented property contain only Category 2 Hazards as defined by the HHSRS, the Council may opt to serve a notice or take informal action to deal with the Hazard.

- 2.3 Should the Council offer an informal method of dealing with hazards, a schedule of work and timescale for completion will be provided. Failure to adhere to the timescale will result in the Council reverting to immediate enforcement action, to avoid prolonging the existence of hazards affecting your tenants, and incurring further costs to the Council.
- 2.4 Once a notice has been served, the landlord must undertake all the required works within the time period prescribed on the notice. Failure to do so may result in prosecution and the Council arranging for the work to be undertaken in default of the notice and the full cost, plus administration and interest charges, to be recovered from the landlord.
- 2.5 The Council will also make a charge for service of the notice which carries an establishment charge of £465.16. This covers the Council's costs in assessing the property, scoring the Hazard(s), preparing and serving the notice and ensuring compliance.

3.0 **Houses in Multiple Occupation (HMO)**

- 3.1 In the case of properties which are let as houses in multiple occupation (HMO), e.g. bedsits, shared houses and flats. The Council can also take similar action to ensure that they comply with its standards and are properly managed. This includes the provision of adequate means of escape from fire and other fire precautions. The Council is obliged by law to licence most types of houses in multiple occupation of three floors or more and containing more than four occupiers.

4.0 **Other Legislation.**

- 4.1 If your property causes nuisance to the neighbourhood by harbouring pests or rubbish, by being empty and open to unauthorised access or by defects of the property causing problems to another, the Council can act in a similar way as described above.

5.0 **Empty Properties.**

- 5.1 Empty properties are a common cause for complaint as they tend to become targets for vandalism (including arson) and can quickly deteriorate and reduce in value. If your property is likely to remain empty, you should:

- Drain down water systems.
- Disconnect gas and electrical supplies.
- Make the property secure.
- Try not to make the property look obviously empty – keep the garden tidy and consider leaving curtains in place.
- Keep a regular and frequent check on the property.

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- Try to make arrangements with a neighbour who will let you know if any problems arise.
- You should also consider giving your details to the Council so they can contact you quickly in case of a complaint.

Make sure you keep your property insurance up to date and let your insurance company know if the property is likely to be empty for a long time.

- 5.2 If you have an empty property which you wish to bring back into use or sell on, you should ask for help or advice by contacting the Council at the following address:

Empty Homes Officer
Environmental Services Directorate,
Preston City Council,
Town Hall,
Preston,
PR1 2RL.

Telephone Number: (01772) 906599.

Note: This is a guidance note only and is not a statement of law. If you are not sure about your legal position in any respect, you should contact the Council.